



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

July 23, 2004

**Via First Class Mail and Fax**  
Mr. Robert A. Bilott, Esq.  
Taft, Stettinius & Hollister LLP  
425 Walnut St., Suite 1800  
Cincinnati, Ohio 45202-3957  
Fax: (513) 381-0205

Re: TSCA Subpoena No. HQ-TPED-01

Dear Mr. Bilott:

Pursuant to our phone conversation yesterday, I am sending this letter to you to memorialize our understanding regarding reports, papers, documents, answers to questions, and other information that the United States Environmental Protection Agency (EPA) requested that you produce in the subpoena identified as "TSCA Subpoena No. HQ-TPED-01" faxed and mailed to you on July 22, 2004. EPA issued this subpoena to you in connection with an ongoing investigation and enforcement action relating to information of substantial risk of injury to health or the environment under Section 8(e) of the Toxic Substances Control Act, 15 U.S.C. § 2607(e).

This letter addresses the following two issues: 1) production of information designated as "Confidential Information" under the Stipulated Protective Order issued by Judge George W. Hill, entered on January 11, 2002, and 2) clarification of the due date for your response to the subpoena.

Production of "Confidential Information"

Although EPA reserves the right to receive the production of all information requested in the subpoena, including such information designated as "Confidential Information" under Judge Hill's Stipulated Protective Order, in your response to the subpoena, due on the date specified below, you shall produce all information not otherwise designated by the defendant as "Confidential Information" under the court's January 11, 2002 Stipulated Protective Order. In producing the subpoenaed information, you shall identify all such instances in which "Confidential Information" has been withheld from your production and include a written

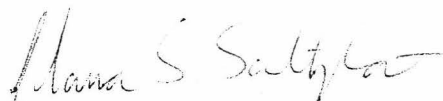
description identifying the title and nature of the withheld information, and to which deposition, or portion of a deposition, such withheld information corresponds.

Clarification of the Due Date for Your Response to the Subpoena

For good cause shown, your response to the subpoena is due by close of business on **Monday, August 2, 2004.**

All provisions of TSCA Subpoena No. HQ-TPED-01 otherwise remain in effect. Your production of "Confidential Information," in response to TSCA Subpoena No HQ-TPED-01, will be held in abeyance until further written request to you from EPA. If you have any additional questions concerning this subpoena, please contact me at (202) 564-9935.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ilana S. Saltzbar".

Ilana S. Saltzbar, Attorney  
Toxics and Pesticides Enforcement Division (2245A)  
Office of Regulatory Enforcement